

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Kevin E. and Samantha Ruth Vandyke : Bankruptcy Case No. 22-10013-TPA  
*Debtor(s)* : Chapter 13

**PLAN CONFIRMATION ORDER**

**AND NOW**, this *23rd* day of *February, 2022*, it is hereby **ORDERED, ADJUDGED and DECREED**, with the consent of all the Parties in attendance, as follows:

**A** The Chapter 13 Plan dated *January 24, 2022*, except as modified herein as numbered, below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court.

1. For the remainder of the Plan term, the periodic Plan payment is to be **\$2573** as of *March, 2022*. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order. (A2)

2. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim (A5):  
Claimant: **Bank of America**. Claim Number: *4*

3. The secured claim(s) of the following Creditor(s) shall govern as to the claim amount and are to be paid at the modified plan interest rate, in a monthly amount determined by the Trustee, as payment in full: **Bank of N.Y. Mellon Cl#8**. (B10)

4. The secured claim of **Ford Motor Credit Cl#5** shall govern as to claim amount, to be paid at a **4.25%** annual interest rate, in a monthly amount to be determined by the Trustee, until the claim has been paid in full. (D30)

**B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

1. **Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. **Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. **Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

4. **Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days  
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after the claims bar date.

**5. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**C IT IS FURTHER ORDERED THAT:**

**1.** Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

**2.** Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

**3.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**4.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**5.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**6.** Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

**7.** Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

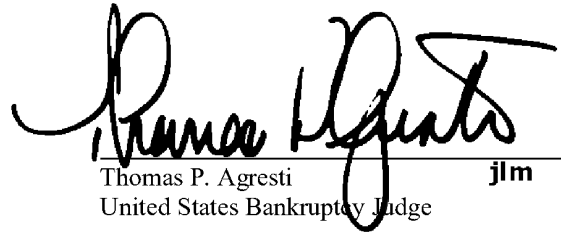
**8.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**9.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

**10.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

Revised 7/26/2021

11. Any prior Confirmation Order entered in this matter is *VACATED*.



Thomas P. Agresti  
United States Bankruptcy Judge

jlm

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:  
Kevin E. Vandyke  
Samantha Ruth VanDyke  
Debtors

Case No. 22-10013-TPA  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-1

User: auto

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Date Rcvd: Feb 23, 2022

Form ID: pdf900

Total Noticed: 44

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 25, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Kevin E. Vandyke, Samantha Ruth VanDyke, 53 Watson Road, Mercer, PA 16137-3441
15447823	Action Collection Agency, PO Box 902, Middleboro, MA 02346-0902
15447824	Bank of America, PO Box 31785, Tampa, FL 33631-3785
15444941	+ Bank of America, Attn: Bankruptcy, 4909 Savarese Circle, Tampa, FL 33634-2413
15453485	Bank of America, N.A., P.O. Box 31785, Tampa FL 33631-3785
15444953	+ Community Bank Na, Attn: Bankruptcy Dept, Po Box 509, Canton, NY 13617-0509
15447827	Specialized Loan Servicing, PO Box 636005, Littleton, CO 80163-6005
15444960	+ Sterling Jewelers, Inc., Attn: Bankruptcy, Po Box 1799, Akron, OH 44309-1799
15447828	+ Steward Medical Group Inc., PO Box 14000, Belfast, ME 04915-4033
15454788	+ The Bank Of New York Mellon Trustee (See 410), c/o Specialized Loan Servicing LLC, 6200 S. Quebec St., Greenwood Village, Colorado 80111-4720
15450682	UPMC HEALTH SERVICES, PO BOX 1123, MINNEAPOLIS, MN 55440-1123

TOTAL: 11

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: BKRMailOps@weltman.com	Feb 23 2022 23:56:00	Ford Motor Credit Company, LLC, c/o Weltman, Weinberg & Reis, Co., L.P.A, 965 Keynote Circle, Cleveland, OH 44131-1829
cr	+ Email/PDF: rmscedi@recoverycorp.com	Feb 24 2022 00:11:28	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15444940	Email/Text: ebnbankruptcy@ahm.honda.com	Feb 23 2022 23:56:00	American Honda Finance, Attn: National Bankruptcy Center, Po Box 168088, Irving, TX 75016
15444939	+ Email/Text: ally@ebn.phinsolutions.com	Feb 23 2022 23:55:00	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
15444942	+ Email/Text: BarclaysBankDelaware@tsico.com	Feb 23 2022 23:56:00	Barclays Bank Delaware, Attn: Bankruptcy, Po Box 8801, Wilmington, DE 19899-8801
15444948	Email/Text: Bankruptcy.RI@Citizensbank.com	Feb 23 2022 23:55:00	Citizens Bank, Attention: ROP-15B, 1 Citizens Drive, Riverside, RI 02940
15444944	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Feb 24 2022 00:00:53	Capital One NA, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15444945	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Feb 24 2022 00:01:04	Capital One/Walmart, Attn: Bankruptcy, P.O. Box 30285, Salt Lake City, UT 84130-0285
15444947	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 24 2022 00:11:35	Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034, St Louis, MO 63179-0034
15444949	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 23 2022 23:56:00	Comenity Bank/Kay Jewelers, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
15444950	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 23 2022 23:56:00	Comenity Bank/Lane Bryant, Attn: Bankruptcy,

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			Po Box 182125, Columbus, OH 43218-2125
15444951	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 23 2022 23:56:00	Comenity Bank/Maurices, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
15444952	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 23 2022 23:56:00	Comenity Capital/Big Lots, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
15444954	Email/PDF: DellBKNotifications@resurgent.com	Feb 24 2022 00:00:59	Dell Financial Services, Attn: Bankruptcy, Po Box 81577, Austin, TX 78708
15444958	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 24 2022 00:11:45	Macys, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15453746	Email/Text: EBNBKNOT@ford.com	Feb 23 2022 23:56:00	Ford Motor Credit Company LLC, P.O. Box 62180, Colorado Springs, CO 80962
15444955	+ Email/Text: ElectronicBankruptcyNotices@fnb-corp.com	Feb 23 2022 23:56:00	First National Bank, Attn: Bankruptcy, 3015 Glimcher Blvd., Hermitage, PA 16148-3343
15447825	Email/Text: EBNBKNOT@ford.com	Feb 23 2022 23:56:00	Ford Motor Credit, PO Box Box 220564, Pittsburgh, PA 15257-2564
15444946	Email/PDF: ais.chase.ebn@aisinfo.com	Feb 24 2022 00:00:53	Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
15444956	+ Email/Text: PBNCNotifications@peritussservices.com	Feb 23 2022 23:55:00	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15444957	+ Email/Text: EBNBKNOT@ford.com	Feb 23 2022 23:56:00	Lincoln Automotive Financial, Attn: Bankruptcy, Po Box 54200, Omaha, NE 68154-8000
15451066	+ Email/Text: bankruptcydpt@mcmcg.com	Feb 23 2022 23:56:00	Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15444959	+ Email/Text: bankruptcyntices@psecu.com	Feb 23 2022 23:56:00	P S E C U, Attention: Bankruptcy, Po Box 67013, Harrisburg, PA 17106-7013
15453425	Email/Text: Bankruptcy.Notices@pnc.com	Feb 23 2022 23:55:00	PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101
15444943	Email/Text: Bankruptcy.Notices@pnc.com	Feb 23 2022 23:55:00	BBVA, Attn: Bankruptcy, Po Box 10566, Birmingham, AL 35296
15453841	Email/Text: bankruptcyntices@psecu.com	Feb 23 2022 23:56:00	PSECU, PO BOX 67013, HARRISBURG, PA 17106-7013
15444961	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:01:03	Synchrony Bank, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15445379	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:00:41	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15444962	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:01:04	Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965064, Orlando, FL 32896-5064
15444963	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:00:53	Synchrony Bank/JCPenney, Attn: Bankruptcy, Po Box 965064, Orlando, FL 32896-5064
15444964	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:00:53	Synchrony Bank/Lowes, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15444965	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:00:53	Synchrony Bank/Sams Club, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15444966	+ Email/PDF: gecsed@recoverycorp.com	Feb 24 2022 00:00:53	Synchrony/PayPal Credit, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060

TOTAL: 33

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a

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User: auto

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preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		BANK OF AMERICA, N.A.
15447826	*+	Lincoln Automotive Financial, Attn: Bankruptcy, Po Box 54200, Omaha, NE 68154-8000

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

**NOTICE CERTIFICATION**

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 25, 2022

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 23, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor BANK OF AMERICA N.A. bnicholas@kmlawgroup.com
Daniel P. Foster	on behalf of Joint Debtor Samantha Ruth VanDyke dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster	on behalf of Debtor Kevin E. Vandyke dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Garry Alan Masterson	on behalf of Creditor Ford Motor Credit Company LLC pitecf@weltman.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 6